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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,859	09/04/2003	Guy Bevente	1033-IT1004	4643
34456	7590	03/06/2006	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 03/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/654,859

**Applicant(s)**

BEVENTE ET AL.

**Examiner**

Ronald Laneau

**Art Unit**

3627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3627

***Response to Amendment***

1. The amendment filed on 12/20/05 has been entered. Claims 34-38 are added and claims 1-38 are now pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedes (US 5,771,282) in view of Plush (US 6,965,764 B2).

As per claims 1, 17, 33 and 34, Friedes discloses a method of providing a bill to a telecommunications subscriber, the method comprising: distributing a bill including shared account information to the telecommunications subscriber (billing of multiple services on a single account), the shared account information identifying shared telecommunication units used in

Art Unit: 3627

connection with a first subscriber service (wireline or long distance service, fig. 1, 12, 14, 16, 18) and a second subscriber service (wireless service, fig. 1, 20), the first subscriber service being distinct from the second subscriber service (wireline or long distance service is different from wireless service). Friedes does not disclose a shared account that shares usage with different subscribers but Plush discloses a method of generating billing data for subscribers in a telecommunications system wherein a plurality of subscribers for which a single shared usage plan is held (see claim 1 of Plush), an apparatus whereby a usage allocation may be allocated not only to a single subscriber but by groups of subscribers of various sizes (col. 2, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the shared usage system for a plurality of subscribers as taught by Plush into the system of Friedes because it would provide an apparatus whereby charging structures which are flexible, easy to understand, and logical, may be implemented for associated groups of subscribers in a mobile communications system (col. 1, lines 57-60).

As per claims 2 and 18, Friedes discloses a method wherein the shared telecommunication units are shared telecommunication minutes (see fig. 1).

As per claims 3 and 19, Friedes discloses a method wherein the first subscriber service is a land-line telecommunications service (wireline or long distance service, fig. 1, 12, 14, 16, 18) and the second subscriber service is a mobile telecommunications service (wireless service, fig. 1, 20).

As per claims 4, 5, 20 and 21, Friedes discloses a method wherein the land-line telecommunications service comprises a long distance telephony service and wherein the land-line telecommunications service comprises a local telephony service (see fig. 1).

Art Unit: 3627

As per claim 6, Friedes discloses a method wherein the bill further comprises charges for usage in excess of available shared telecommunication units identified by the shared account information (col. 4 to col. 5, line 49 to line 14).

As per claims 7, 22 and 23, Friedes discloses a method further comprising: receiving first subscriber service usage (wireline or long distance service, fig. 1, 12, 14, 16, 18); receiving second subscriber service usage (wireless service, fig. 1, 20); and determining whether the sum of the first subscriber usage and the second subscriber usage exceeds the shared telecommunication units (col. 4, lines 49-57).

As per claims 10 and 24, Friedes discloses a method wherein the shared account information further identifies a second set of telecommunication units (fig. 1, 12-20).

As per claims 11 and 25, Friedes inherently discloses a method wherein the second set of telecommunication units is applied to usage of the second subscriber service when the combined usage of the first subscriber service and the second subscriber service exceeds the shared telecommunication units (see fig. 1).

As per claim 12, Friedes discloses a method wherein the bill further includes charges for local calling service (col. 2, lines 36-38, fig. 1).

As per claim 13, it is inherent that the billing system of Friedes will include taxes as claimed.

As per claim 14 and 15, the billing system of Friedes would include charges associated with Internet service and wherein said Internet service comprises broadband service if a customer subscribes to these services.

Art Unit: 3627

As per claim 16, Friedes discloses a method wherein the first subscriber service is associated with a first operating entity and the second subscriber service is associated with a second operating entity (see abstract).

As per claims 26-28, Friedes inherently discloses a telecommunications subscriber package wherein the second allocation of second subscriber account units is available during specific time periods; wherein the allocation of shared account units is available for a period of time; wherein the period of time is one month (all subscriptions are usually on a monthly billing cycle).

As per claims 29-32, the system of Friedes inherently discloses a telecommunications subscriber package wherein the availability of the allocation of shared account units is conditional upon payment of a fee; wherein an additional allocation of shared account units is provided; wherein the additional allocation of shared account units is provided upon payment of a fee; wherein an additional allocation of shared account units is provided monthly and wherein the subscriber package has a monthly subscription fee (there is always been a service fee involved in subscription package).

As per claims 34-38, see rejection of claim 1. Further, Plush discloses a telecommunications system that includes shared and unshared account units as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the shared and unshared account units as taught by Plush into the system of Friedes for the same reasons given in claim 1.

Art Unit: 3627

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedes (US 5,771,282) in view of Plush (US 6,965,764 B2) and further in view of Jagdish et al (US 5,844,972).

As per claims 8 and 9, Friedes does not disclose shared telecommunication units are used in connection with a third subscriber service and said third subscriber service is a calling card service but Jagdish discloses a method and system in which a calling card or a telephone prepaid card is used to make calls.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the calling plans subscription as taught by Jagdish into the system of Friedes because it would provide a system in which calls made by a customer using a calling card or a prepaid telephone card are billed in accordance with the customer's subscribed calling plans.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments about Friedes not teaching or suggesting "shared telecommunications used in connection with different services, an allocation in account units or shared minutes in connection with a plurality of subscribers" are moot in view of the newly added reference (Plush et al) which discloses such limitations. Claims 1-38 remain rejected.

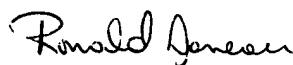
Art Unit: 3627

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ronald Laneau  
Examiner  
Art Unit 3627

2/28/06

rl